

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOHAN GOMEZ, on behalf of himself and others
similarly situated,

Plaintiff,

v.

KITCHENETTE 123 INC. d/b/a KITCHENETTE,
TRIBECA KITCHENETTE INC. d/b/a
KITCHENETTE, HIGH FALLS KITCHENETTE
INC. d/b/a KITCHENETTE, ANN S. NICKINSON,
and LISA ANN HALL,

Defendants.

No. 16 CV 3302

~~PROPOSED~~ ORDER

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The above-entitled matter came before the Court on the parties' joint letter motion dated November 3, 2020, requesting modification of the Court-approved Settlement Agreement and Release dated March 13, 2018, pursuant to the terms of the Addendum to Settlement Agreement and Release dated November 3, 2020 ("Addendum"), filed at Dkt. 99-1 (the "Modified Settlement").

I. Preliminary Approval of Modified Settlement

1. Based upon the Court's review of the parties' letter motion and Addendum, the Court preliminarily approves the Modified Settlement, memorialized in the Addendum.

II. Supplemental Notices

2. The Court approves the Proposed Supplemental Notice of Settlement of Class Action Lawsuit and Fairness Hearing ("Supplemental Notice"), filed on November 24, 2020, and directs its distribution to the Class.

III. Supplemental Notice Procedure

3. The Court hereby adopts the following supplemental notice procedure:

- a. Plaintiff will provide the Claims Administrator with a copy of the Court-approved Supplemental Notice;
- b. Within 14 days of the date of this Order, the Claims Administrator shall mail the Supplemental Notices to Class Members;
- c. Rule 23 Class Members will have 30 days from the date the Supplemental Notice is mailed to opt out of the modified settlement or object to it;
- d. Plaintiff will file a letter detailing the mailing results, including any objections and opt-outs received, 15 days before the fairness hearing;
- e. The Court will hold a telephonic fairness hearing on February 2, 2021 at 10:00 a.m./p.m. by telephonic dial-in to 877-411-9748, using access code 9612281;
- f. If the Court grants final approval of the modified settlement, the Court will issue a Final Order and Judgment. If no party appeals the Court's Final Order and Judgment, the "Effective Date" of the settlement will be the date 30 days after entry of such Order;
- g. If rehearing, reconsideration or appellate review is sought, the "Effective Date" shall be the day after all appeals are resolved in favor of final approval;
- h. The Claims Administrator will disburse settlement checks to the Rule 23 Class members and Collective Class members, Class Counsel's attorneys' fees and expenses to Class Counsel, the Service Awards, and the Settlement Administrator's fee as provided in the Parties' Settlement Agreement, as modified by the Addendum; and
- i. The parties shall abide by all terms of the Settlement Agreement.

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DF It is so ORDERED this 1st day of November, 2020



Honorable Debra E. Freeman
United States Magistrate Judge

DEBRA FREEMAN, U.S.M.J.